

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**APPEAL NO.168 OF 2006
IN
NOTICE OF MOTION NO.311 OF 2006
IN
SUIT NO.218 OF 2006**

Bharati Bhavan Tenants Welfare Association .. Appellant
V/s
Sukanya Maheshchandra Lad & Ors. .. Respondents

Mr.Robin Jaisinghani with Mr.Bhushan Mahadik for the Appellant.

Mr.T.G.Vora i/by Bharat Joshi & Co. for the Respondent Nos.1 and 2.

Mr.J.P.Sen, for Intervenor (Landlord).

**CORAM: DR.S.RADHAKRISHNAN &
S.J.VAZIFDAR, JJ.**

DATE : 22.03.2006.

P.C.:

1. Heard the learned Counsel for the parties. We have perused the impugned order dated 14.02.2006. By the aforesaid impugned order the learned Single Judge has directed the original Plaintiff to deposit Rs.10 lakhs with the Court Receiver, High Court, Bombay within a period of two weeks. The Court Receiver, High Court, Bombay has also been appointed as receiver with regard to the premises being Room No.16, Bharat Bhavan, P.D'mello Road, Fort and that the Court Receiver has aslo been directed to take physical possession of the said property and seal the same. The learned Single Judge has also directed the Court Receiver to make a report to the Court in respect of the appointment of an

agent.

2. The Appellant herein which is a tenants association has only a claim of Rs.9 lakhs and odd towards the repairs charges alongwith the interest and this is purely the money claim and they have no right over the suit property.

2. Mr.Sen, the learned Counsel for the Intervenor (Landlord) states that the Landlord has not been impleaded in the suit before the learned Single Judge.

3. Having regard to the aforesaid facts and circumstances, as none of the rights of the Appellant (Tenants Association) are affected and they have only a monetary claim from the original plaintiff, we are not inclined to interfere with the impugned order passed by the learned Single Judge, which is only a protective order.

4. However, so far as the part of the order of the learned Single with regard to the appointment of an agent is concerned, the said part of the order **with regard to the appointment of an agent**, is stayed only for a period of six weeks from today, so as to enable the parties to get appointed as an agents and as also to get the aforesaid order vacated.

5. We make it clear that we are not disturbing the

other part of the order of the learned Single Judge, except the aforesaid stay for a period of six weeks only with regard to the appointment of of an agent of the Court Receiver.

6. Appeal stands disposed of in the above terms.

(DR.S.RADHAKRISHNAN, J.)

(S.J.VAZIFDAR, J.)